

STATE OF HAWAII
DEPARTMENT OF HEALTHP. O. Box 3378
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WRITTEN ONLY

**Testimony in SUPPORT of SB0757,SD1
RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES**SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Hearing Date: February 25, 2015 Room Number: 2291 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (DOH) supports this measure, which
3 prohibits the use of electronic smoking devices (ESDs) in places where smoking is already
4 illegal and also updates signage requirements. The public health concern is for the protection
5 from the unregulated use of these potentially hazardous products. The DOH offers suggestions
6 regarding definitions to provide consistency with the title of the bill.

7 The use of ESDs in existing smoke-free locations has the potential to expose non-
8 smokers and vulnerable populations such as children and pregnant women to aerosolized
9 nicotine and other toxic substances. ESDs pose serious threats to adolescents and fetuses.¹ The
10 use of ESDs in traditionally smoke-free areas causes confusion in the enforcement of smoke-free
11 laws; it creates distractions in work environments; and it renormalizes smoking behavior.

12 ESDs have become increasingly prevalent and widely available since their introduction to
13 the U.S. market. Since 2005, the ESD industry has grown from one manufacturer in China to an
14 estimated market value of \$3 billion in global business with 466 brands. It has become a
15 profitable business that the tobacco industry is gradually taking over.

16 ESDs produce an aerosol that is not merely “water vapor.” The aerosol contains several
17 carcinogens, such as formaldehyde, acetaldehyde, lead, nickel, and chromium and other
18 hazardous substances cited by the Agency for Toxic Substances and Disease Registry which are
19 associated with a range of negative health effects such as skin, eye, and respiratory

¹ World Health Organization (2014) Electronic nicotine delivery systems: Report of the Conference to the WHO Framework Convention on Tobacco Control Sixth Session, October 13-18, 2014 Moscow Russian Federation. Provisional agenda 4.4.2 Available at: http://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6_10-en.pdf

1 irritation.^{2,3,4,5,6} In recent months, significant international research has increased the
2 understanding of ESDs as harmful, carcinogenic devices. In November 2014, researchers at the
3 Japanese Ministry of Health announced that they found ESDs contained greater levels of cancer-
4 causing agents than found in traditional cigarettes.⁷

5 ESD companies, and their parent tobacco companies, encourage their use “anywhere,”
6 and promote their social acceptability. The World Health Organization has called for the
7 regulation of ESDs and urges that their use indoors be “banned” until exhaled vapor is proven to
8 be not harmful to bystanders and reasonable evidence exists that smoke-free policy enforcement
9 is not undermined.⁸

10 The authority to regulate where ESDs are used is the domain of state and local
11 governments. To protect the health of the public, and provide clarity on smoke-free regulations,
12 274 municipalities and three states have now included ESDs in their smoke-free laws. In
13 January 2014, the DOH adopted its own internal policy banning ESD use on all DOH properties
14 and occupied premises. As of September 2014, the State Department of Accounting and General
15 Services further prohibited ESD use in and around all state buildings under its jurisdiction. Most
16 recently, Hawaii County enacted Bill 302, prohibiting the use of ESDs wherever tobacco
17 products are already illegal, and there currently is a similar bill being heard by the City and
18 County of Honolulu.

19 **Offered Amendments:** The DOH recommends that the definitions included in SB0757,SD1 be
20 amended to be consistent with those approved by the State Attorney General, as follows:

21 "Electronic smoking device" to read:

² Jensen, R. et al. (2015). Hidden Formaldehyde in E-Cigarette Aerosols. *New England Journal of Medicine* 2015;372:392-394.
Available at : www.nejm.org/doi/full/10.1056/NEJMc1413069

³ Lerner, C.A., et al. (2015). Environmental health hazards of e-cigarettes and their components: Oxidants and copper in e-cigarette aerosols

⁴ State of California Environmental Protection Agency Office of Environmental Health Hazard Assessment Safe Drinking Water and Toxic Enforcement Act of 1986. (2013). Chemicals known to the State of California to cause cancer or reproductive toxicity. Available at: http://oehha.ca.gov/prop65/prop65_list/files/P65single091313.pdf

⁵ German Cancer Research Center. (2013). Red Series Tobacco Prevention and Tobacco Control Volume 19: Electronic Cigarettes - An Overview. Available at: www.dkfz.de/de/tabakkontrolle/download/Publikationen/RoteReihe/Band_19_ecigarettes_an_overview.pdf

⁶ Goniewicz, M. et al. (2013). Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. *Tob. Control.* 1:1–8. Available at: www.ncbi.nlm.nih.gov/pubmed/23467656

⁷ AFP, November 27, 2014. Scientists Say E-Cigs Contain 10 Times As Many Cancer Chemicals As Cigarettes. Retrieved from <http://www.businessinsider.com/afp-e-cigarettes-contain-10-times-amount-of-carcinogens-japan-2014-11>

⁸ World Health Organization (see footnote 1).

1 “any electronic product that can be used to aerosolize and deliver nicotine or other
2 substances to the person inhaling from the device, including but not limited to an electronic
3 cigarette, electronic cigar, electronic cigarillo, or electronic pipe, hookah pipe, or hookah
4 pen, and any cartridge or other component of the device or related product, whether or not
5 sold separately.”

6 "Smoke" or "smoking" to be amended by the deletion of the word "product" to read as:

7 “Inhaling, exhaling, burning, or carrying any lighted or heated tobacco or plant product
8 intended for inhalation in any manner or in any form. "Smoking" includes the use of an
9 electronic smoking device.”

10 Delete definition of "Tobacco product."

11 The DOH supports this measure, with suggestions, to provide protection from ESDs for
12 the state and offers it assistance with education and signage.

13 Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: krazyznflip808@gmail.com
Subject: Submitted testimony for SB757 on Feb 25, 2015 09:45AM
Date: Tuesday, February 24, 2015 9:55:56 PM

SB757

Submitted on: 2/24/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jeremy Sagisi	Individual	Oppose	No

Comments: I am opposed to bill SB757. Electronic smoking devices have not been found to be dangerous or harmful in many studies duplicating how they are actually used by people. <http://www.ecigalternative.com/ecigarette-studies-research.htm>. Additionally, neither the FDA or Surgeon General has indicated any reasons for concern, even though the products have been in use for a few years now. Most businesses that have concerns about vaping for their customers and/or employees have already instituted policies pretty much identical to their ones on cigarette smoking, so further legislation would either be redundant and unnecessary, or unfairly limiting to those businesses that understand the differences. Or that do allow vaping. I feel that there is just no reason why this issue should not be left up to business or property owners on an individual basis that best suits their situation. I also feel that being made to go outside to vape, that making the use the same as with cigarettes will make myself and many others more likely to go back to smoking cigarettes. Truthfully, they are not the same thing and therefore should not be treated the same. This law would have a significant negative impact on many businesses and their employee's as well. Thank you for reading my testimony.

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From: [Brent Tamamoto](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 9:27:33 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

Thank you for the opportunity to submit testimony in strong support of SB757 SD1. I strongly support regulating the use of electronic smoking devices (ESDs) in our smoke-free workplace laws. Including ESDs will protect the public, reduce confusion within society, decrease distractions in the workplace, and maintain the social norm.

As a new industry, the dangers of ESDs continue to emerge and show inconsistent amounts of the addictive poison nicotine in the e-juice, dual use with cigarettes, and huge increases of use by middle and high school students. Contrary to popular belief, ESDs do not emit harmless water vapor. Instead, they emit an aerosol that contains nicotine, ultra-fine particles, volatile organic compounds, and other toxins. ESDs are not FDA approved smoking cessation devices and should not be used in enclosed or partially enclosed public places.

SB757 SD1 is the first step to regulating ESDs and protecting employees, customers, and the public from inadvertent exposure to nicotine and other chemicals and poisons.

I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Brent Tamamoto
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From: [Lani Nagao](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 10:44:46 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

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SB757 SD1 is the first step to regulating ESDs and protecting employees, customers, and the public from inadvertent exposure to nicotine and other chemicals and poisons. I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Lani Nagao
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Lihue, HI 96766

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: protechoahu@gmail.com
Subject: *Submitted testimony for SB757 on Feb 25, 2015 09:45AM*
Date: Tuesday, February 24, 2015 10:01:59 PM

SB757

Submitted on: 2/24/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Clayton Silva	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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